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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,333	07/10/2001	Philip James Campaigne	5/00	8457

7590 05/13/2004
Philip J. Campaigne
101 Slough Road
Harvard, MA 01451

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3713

17

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/902,333

Applicant(s)

CAMPAIGNE, PHILIP JAMES

Examiner

Binh-An D. Nguyen

Art Unit

3713

All participants (applicant, applicant's representative, PTO personnel):

(1) Binh-An D. Nguyen (examiner).

(3) _____.

(2) Philip Campaigne (applicant).

(4) _____.

Date of Interview: 10 May 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 26 and 27.

Identification of prior art discussed: Birch et al. (6,292,706).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Campaigne has requested the examiner to consider the following limitations: "creating a common perspective among the plurality of reporters by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions" and "creating among reporters, consistent measuring and valuing of team-members' contributions by team goal achievement value system means" (claim 26 of the proposed amendment faxed on May 7, 2004, see attachment); and the examiner agreed that those limitations are supported by the original specification. The applicant has been suggested to file the amendment officially and full consideration will be made upon receiving applicant response to the last Office action. Further, regarding applicant's drafted response faxed April 22, 2004, the examiner agreed that the proposed claim 27 is supported by the original specification. Furthermore, regarding applicant's arguments over the rejection under 35 U.S.C 103(a) (pages 25 -33 of the drafted response), no agreement has been reached and further communication will be made.

To: Teresa Walberg - FAX (703) 746-4937

Binh-An D. Nguyen

From: Phil *Campanella* - (978) 456-8302

4 pages transmitted

Date: 5/7/2004

Subject: Talking Points for Phone Interview 5/10/2004 at

1 PM for Appn. No:09/902,333

Arguments for overcoming 35 U.S.C. 112, second paragraph
objection

**Purpose of this phone interview is to clarify matter in the
original specification that overcomes this objection for
clauses b) and c).**

"b) creating a common perspective among the plurality of
REPORTERS by team-member interaction protocol means to
guide reporters' collective discovery of valued team-member
interactions;

c) creating among plural REPORTERS, consistent measuring
and valuing of team-members' contributions by team goal
achievement value system means;"

**The original specification particularly points out an
"incorporated" means for clause b) and a means for clause
c) on P. 5 of original specification recited below.**

"The present invention achieves the following desired features:

means to report team-member actions and collaborations that are causal to a team win; incorporating a means for observing a contest in a manner that reveals the critical few team-member actions; and incorporating a means to value team-member actions for their contribution to a team win,"

The original specification also particularly points out the purpose of the means of clauses b) and c) on P. 25 of the original specification as recited below.

"(Preferred Embodiment, original specification, P. 25)

"The REPORTER in this preferred embodiment is the dedicated fan of a Basketball team. The complex nature and the accelerated pace of activity during a Basketball game makes it difficult for a single fan, to identify the critical few PLAYER actions and collaborations that are causal to his team winning the game."

(Later in P.25)

"This preferred embodiment of the present invention utilizes a protocol for observing the Basketball game that enables fans to focus on one or more of the critical few PLAYER actions that contribute to their team's achievement. It also utilizes a value system demonstrated to be consistent with winning, for the fan to use in identifying effective PLAYER actions."

(Later in P.25)

This methodology breaks the CONTEST into a set of elemental CONTESTs called POSSESSIONS. A POSSESSION represents a unique pursuit of a team goal, beginning with the successful acquisition of the resources required to achieve that goal (ball), and proceeding with the enhancement of

those resources (create shooting opportunity) by stages until the team goal is achieved (shooting to score points), the resources are lost, or the CONTEST duration is exceeded (game-clock time)."

Examples of the means for clauses b) and c) are described in detail in Preferred Embodiment and Second Preferred Embodiment which include references to my prior patent to provide functioning examples of the invention as recited below.

(Preferred Embodiment, P.25 of the original specification)

"The protocol and value system being used are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000."

(Second Preferred Embodiment P.25, original specification)

"The protocol and value system of this preferred embodiment are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000."

New Claim 26 follows, showing the clauses b) and c)

26. A method for a plurality of reporters collectively self-organized, to share the task of role selection, information discovery, information reporting and information aggregation of team-member activity that is causal to team achievement (FIG. 13), comprising:

- a) guiding REPORTERS on how to integrate their information gathering activities to achieve the goal of providing complete coverage for a CONTEST by signup commitment means;
- b) creating a common perspective among the plurality of REPORTERS by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions;**
- c) creating among plural REPORTERS, consistent measuring and valuing of team-members' contributions by team goal achievement value system means;**
- d) recording plural reports and selecting a representative aspect report from each set of redundant reports; and
- e) aggregating said representative reports to create composite reports, storing and retrieving them from a database.

Application Control Number: 09/902,333

April 22, 2004

To: Binh An D. Nguyen FAX (703) 746-3239

35 pages sent

From: Phil Campaigne (978) 456-8302

DRAFT - Response to DETAILED ACTION - "not fully responsive to prior Office Action".

Applicant respectfully requests that while this application is fresh in the Examiner's mind that he review this response informally and verbally respond to the Applicant with a determination as to the following:

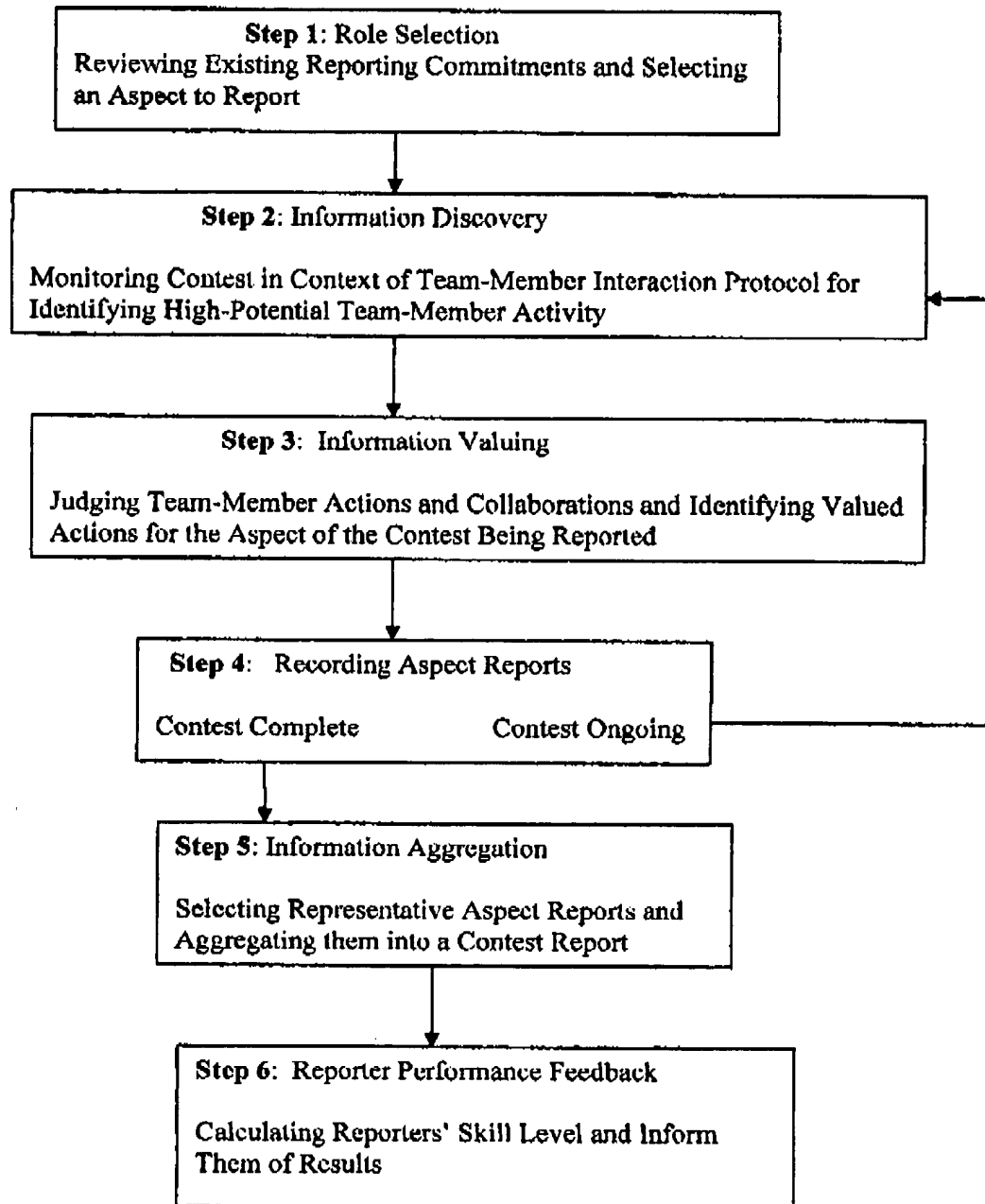
- A) New claims 26 and 27 are directed to the originally presented invention.
- B) There is no new matter added to the Specification.
- C) New claims 26 and 27, and FIG. 13 are supported by references from the original Specification
- D) New claims 26 and 27 and REMARKS overcome the objections cited in the prior Office Action and Detailed Action.

If the Examiner determines that claim 26 overcomes, Applicant will use this guidance to craft a formal response to the prior Office Action as Amendment B which will include claim 26 and additional dependent and independent claims to be examined formally according to your schedule.

Applicant requests permission to add the following FIG. 13 at the suggestion of Examiner Binh-An D. Nguyen during phone interview for the purpose of adding clarity and support of the independent claim with the most limitations (claim 26) as follows:

FIG.13 Collective Self-Organized Reporting

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Add the following to the Description of Drawings:

Figure 11 - shows Quality Feedback Process Sequence

Figure 12 - shows Team-member managed Reward System

Figure 13 - shows Collective Self-Organized Reporting

The Applicant cancels claims 1-25 of record and substitutes the following Claims 26 and 27:

26. A method for a plurality of reporters collectively self-organized, to share the task of role selection, information discovery, information reporting and information aggregation of team-member activity that is causal to team achievement (FIG. 13), comprising:

- a) guiding REPORTERS on how to integrate their information gathering activities to achieve the goal of providing complete coverage for a CONTEST by signup commitment means;
- b) creating a common perspective among the plurality of REPORTERS by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions;
- c) creating among plural REPORTERS, consistent measuring and valuing of team-members' contributions by team goal achievement value system means;
- d) recording plural reports and selecting a representative aspect report from each set of redundant reports; and
- e) aggregating said representative reports to create composite reports, storing and retrieving them from a database;

27. A method for a plurality of reporters collectively self-organized, to share the task of role selection, information discovery, information reporting and information aggregation of team-member activity that is causal to team achievement (FIG. 13), comprising:

- a) guiding REPORTERS on how to integrate their information gathering activities to achieve the goal of providing complete coverage for a CONTEST by signup commitment means;
- b) creating a common perspective among the plurality of REPORTERS by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions;
- c) creating among plural REPORTERS, consistent measuring and valuing of team-members' contributions by team goal achievement value system means;
- d) recording plural reports and selecting a representative aspect report from each set of redundant reports; and
- e) aggregating said representative reports to create composite reports, storing and retrieving them from a database;
- f) refining reporting skills by re-enforcement learning means (FIG. 1) by apprising REPORTER of his reporting accuracy in relation to a standard by report quality feedback means;
- g) establishing a REPORTER's reputation for reporting by proficiency skill level means; and
- h) sharing REPORTERS' knowledge and observations by collaboration means.

Titl :

Cancel original title and substitute new title as follows:

A Method and System for Collective Reporting of Team-member contributions to Team Achievement.

Abstract:

Cancel original Abstract and substitute new Abstract as follows:

A method and system for a plurality of reporters to collectively self-organize, for the purpose of identifying, measuring and recording team-member activity that is causal to team achievement. The method includes steps of role selection, information discovery, information reporting and information aggregation of team-member activity that is causal to team achievement. It includes means for creating a common perspective among reporters, a common means to judge the value of team-members' contributions, means for collective self-organizing and self-training by reporters, and means for valuing reporters' contributions to the reporting process. One preferred embodiment is a game that enables a large group of humans to determine the critical few actions and collaborations that lead to winning a basketball game viewed live or via broadcast TV. Another preferred embodiment is a game for maximizing the selling activity of a commercial sales group.

REMARKS:

A. The applicant requests reconsideration and withdrawal of the objection in proposed Amendment A of "invention not originally claimed" on the basis that 9 of 10 original claims were judged as "vague" and "failing to particularly point out and distinctly claim the subject matter which the

applicant regards as the invention". The Original claims 1-10 have been replaced by claims 26 and 27, in order to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

New Claim 26 particularly points out and distinctly claims the subject matter which the Applicant regards as the invention by adding limitations that are incorporated in both the first embodiment (FIRST) and second embodiments (SECOND) of the original specification.

FIRST and SECOND set the scope of a generalized method and system. FIRST addresses non-commercial sports entertainment for individuals of both sexes from adolescents to seniors. SECOND addresses the commercial environment for adult business people maximizing the selling activity of a commercial sales group. Some of the commonalities between FIRST and SECOND are as follows:

- 1) Both embodiments gather information on team-member activity and process this information into intelligence.
- 2) Both embodiments divide information gathering into aspects according to a common novel methodology to address the difficulty of observing and judging the entire CONTEST by enabling plural REPORTERS to seamlessly and accurately perform "collectively" as one omniscient information gatherer.
- 3) Both embodiments rely on a self-organizing group to provide complete information gathering from the CONTEST.
- 4) Both embodiments rely on self-training by REPORTERS to refine their information gathering skills.

These and other commonalities particularly point out the originally presented invention in this application.

B. The Applicant requests that the examiner determine that this Response adds no new matter to the application.

C. All of the preceding amended text and FIG. 13 are supported by reference in the original specification as shown below:

Support for Step 1- Role Selection, in FIG. 13:

(System Operation, Step 1:, original specification P. 19)

"The REPORTER chooses a particular CONTEST from a list, and then chooses an ASPECT to report. A matrix showing the number of REPORTERS who have already made commitments to report on specific ASPECTs of his chosen CONTEST guides his choice. REPORTERS are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST. By adding ASPECT instance reports to the pool of CONTEST information submitted by all REPORTERS, a REPORTER qualifies to receive analyses derived from the pool of information submitted by all REPORTERS. This gives the REPORTER expanded insight to causality for the team achievement that he would not have gained as a single observer. Inputs to Step 3 are CONTEST, ASPECT and Team. Output for Step 3 is a Java Server Page data entry form for reporting the ASPECT specified in the input."

Support for Step 2 - Information Discovery, in FIG. 13:

(Preferred Embodiment, original specification, P. 25)

"The REPORTER in this preferred embodiment is the dedicated fan of a Basketball team. The complex nature and the accelerated pace of activity during a Basketball game makes it difficult for a single fan, to identify the critical few

PLAYER actions and collaborations that are causal to his team winning the game."

(Later in P.25)

"This preferred embodiment of the present invention utilizes a protocol for observing the Basketball game that enables fans to focus on one or more of the critical few PLAYER actions that contribute to their team's achievement. It also utilizes a value system demonstrated to be consistent with winning, for the fan to use in identifying effective PLAYER actions. The protocol and value system being used are described in pending U.S. patent application number 09/571,874, filing date 05/13/2000. This methodology breaks the CONTEST into a set of elemental CONTESTs called POSSESSIONs. A POSSESSION represents a unique pursuit of a team goal, beginning with the successful acquisition of the resources required to achieve that goal (ball), and proceeding with the enhancement of those resources (create shooting opportunity) by stages until the team goal is achieved (shooting to score points), the resources are lost, or the CONTEST duration is exceeded (game-clock time)."

(Above mentioned Protocol is defined in app no:

09/5781,874, now US 6,496,812 in text 4:43-59 and in FIG. 3 as shown below:)

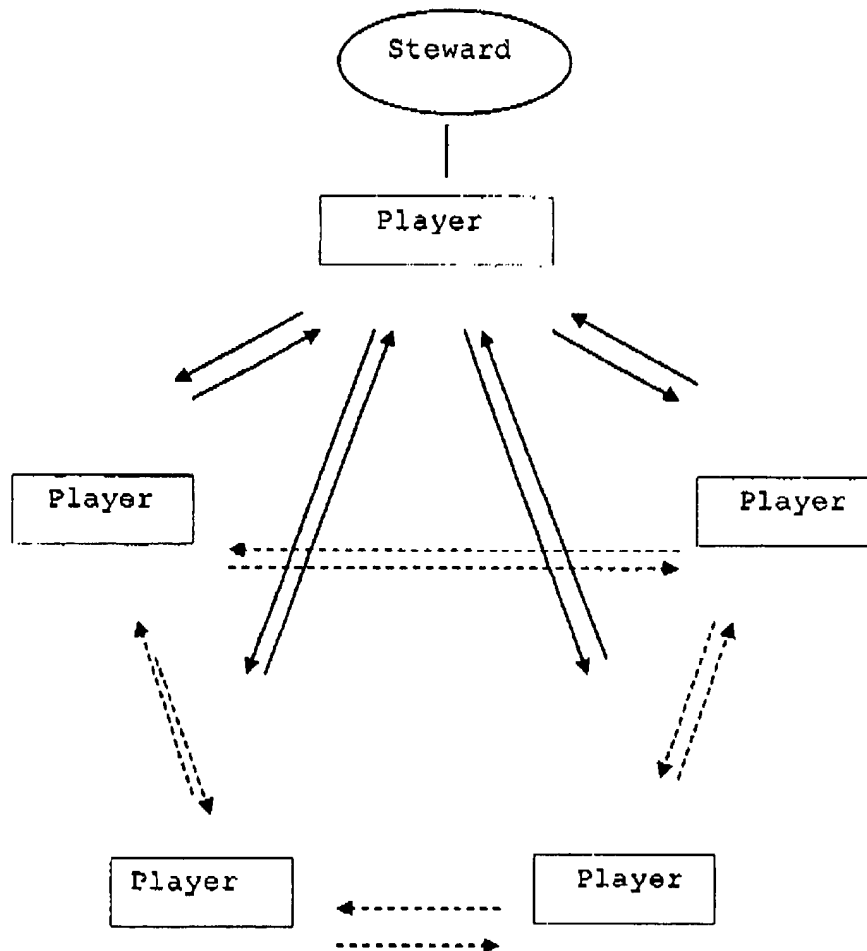
"7. process flow abstraction called TEAM-MEMBER INTERACTION PROTOCOL that governs team-member interaction during a CONTEST. The protocol stipulates low priority two-way peer-to-peer communication among all PLAYERS and overlays a higher priority star topology two-way communication which places the empowered PLAYER with the role as STEWARD at the

center of the star. The Steward's communications have highest priority.

8. process flow abstraction within the TEAM-MEMBER INTERACTION PROTOCOL called PLAYER that represents a team member who performs actions and interacts with other team members in pursuit of a team goal.

9. process flow abstraction within the TEAM-MEMBER INTERACTION PROTOCOL called STEWARD which represents a role taken on by a PLAYER that empowers that PLAYER to protect team resources and advance a POSSESSION to the next stage in the ACT Sequence."

FIG.3 Team-Member Interaction Protocol (TIP) 3 of 14



Communications Network Topology:

Peer-to-peer -----
 Star _____

Support for Step 3 - Information Valuing, in FIG. 13:

(System Operation Step 4 of original specification, P. 19)

"Step 4:

The REPORTER is presented with a data-entry form consistent with his SKILL LEVEL, and the CONTEST and ASPECT he selected during game sign-up. This form provides access to the specific ASPECT Measurement Rules that the REPORTER must follow in judging PLAYER actions. The form also provides access to the cumulative CONTEST information processed up to that point. The REPORTER submits the form with his ASPECT report measurements. This step is repeated for each ASPECT instance until the CONTEST ends. The input for Step 4 is ASPECT instance data. The output is an ASPECT instance report submission."

Judging is a description of the following decision-making activities in aggregate

(Preferred Embodiment, original specification P. 27)

"According to the value/reward system being employed in this embodiment, relevant ASPECTs including acquiring control of the Basketball, creating a scoring opportunity, shooting to score points and the game-clock time that PLAYERS enter and leave the game. Actions are only valued if they result in points being scored in a POSSESSION. A fan must identify a potentially valued action and continue to follow the play to see if the action is part of a successful sequence resulting in points scored. If points are scored, the potentially valued action becomes a valued action and the fan submits his ASPECT instance report for this POSSESSION."

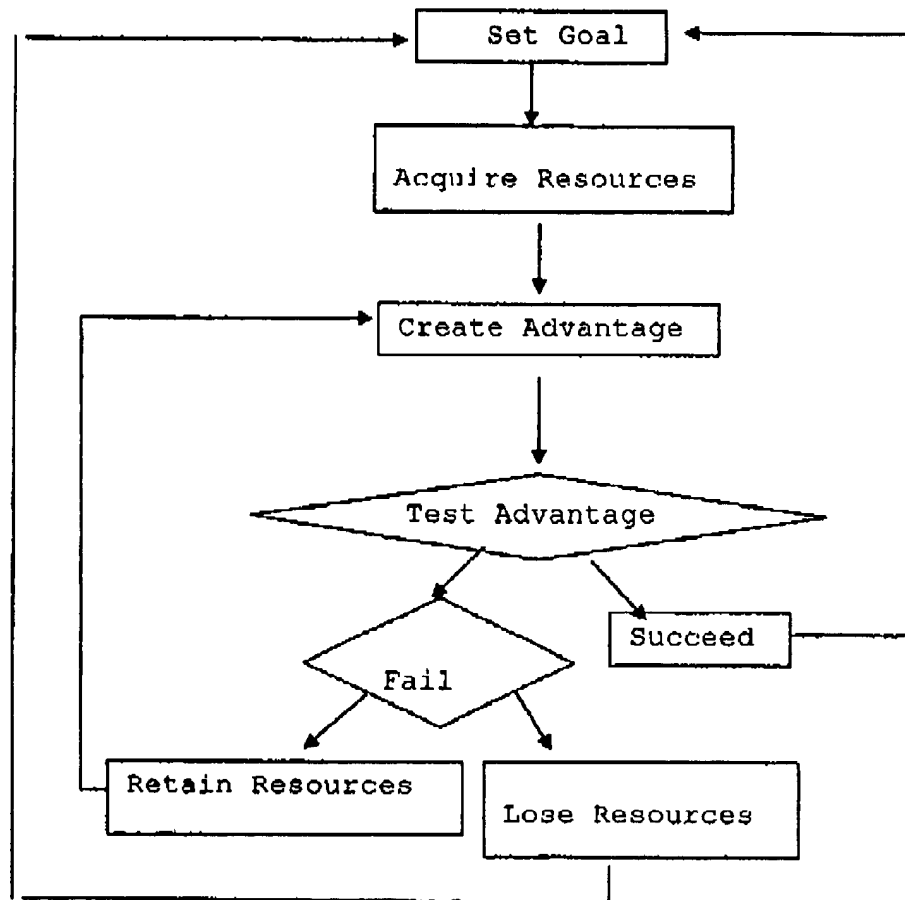
(Above mentioned value/reward system is defined in app no: 09/5781,874, now US 6,496,812 in text 4:16-36 and in FIG. 2 as shown below:)

"5. process flow abstraction shown in FIG. 2, called ACT SEQUENCE that represents the critical few team-member actions and their sequence, that are causal to TEAM ACHIEVEMENT VALUE = 1. The ACT SEQUENCE is comprised of three discrete sequential stages; first an ACQUIRING ACTION that acquires control of resources prerequisite to attain TEAM ACHIEVEMENT VALUE=1; followed by a CREATING ACTION that removes variable obstacles creating an uncontested TESTING ACTION; followed by a TESTING ACTION that eliminates the fixed obstacles to attain TEAM ACHIEVEMENT VALUE=1. An ACT SEQUENCE with one or more completed stages is called a POSSESSION. The ACT SEQUENCE, or POSSESSION is successful if it results in TEAM ACHIEVEMENT VALUE = 1. Moving directly through the ACT SEQUENCE maximizes team efficiency. Therefore, to focus team members' efforts on team achievement rather than on performing isolated actions, this invention stipulates that only the last A, C and T Stage actions or collaborations are valued for every successful ACT SEQUENCE."

FIG. 2

2 of 14

Action (ACT) Sequence Flow



Support for Step 4 - Reporting Aspects Reports, of FIG: 13:

(Summary, original specification, p. 3)

"The method segments the contest into plural aspects for reporting purposes. Each reporter reports one or more aspects of the contest."

(P. 14 of original specification)

"Upon selecting a CONTEST and ASPECT, this mechanism presents the REPORTER with a form to record the ASPECT instance data for his chosen ASPECT."

Report Management System

Capture Mechanism 400

Receives compacted data reports submitted by REPORTERS, adds a system time stamp and makes the record persistent in a centralized database. It then notifies the REPORTERS data entry device that his report has been received."

Support for Step 5 - Information Aggregation, of FIG: 13:

(System Operation of original specification, P. 20)

"Step 5:

One representative ASPECT measurement is selected to represent each ASPECT instance of the CONTEST for a team. Only those representative ASPECT measurements are processed through the scoring algorithm. An ERROR CORRECTION CODE is used as a measure to compare values of ASPECT measurements in the selection of the representative ASPECT report. One method for computing the representative ASPECT measurement is to group all ASPECT measurements by ERROR CORRECTION CODE value, for each ASPECT instance of a CONTEST. Then select an ASPECT report with the most frequently occurring

ERROR CORRECTION CODE value as the representative measurement of this set. The Report Management Process has 5 steps as shown in FIG.10:

- a) On a periodic basis, the Parser Mechanism 500 will check for the arrival of new ASPECT reports submitted by REPORTERS. It parses each of these report data strings into ASPECT data elements, inserts the data elements into fields in a report object and stores the report object in the database. This process is repeated until all reports in the arrival queue have been parsed. This process is repeated on a periodic basis.
- b) A filtering process is employed to reduce data processing and protect data integrity. On a periodic basis, the Filtering Mechanism 600 will select a representative report for each ASPECT instance for a team in an ongoing CONTEST.
- c) The Assembly Mechanism 700 consolidates data from these representative reports to populate the POSSESSION report entity with ASPECT measurements and then stores the POSSESSION report in the database.
- d) The Scoring Mechanism 800 scores all POSSESSION reports by distributing the reward value assigned to the team achievement for that POSSESSION according to the scoring algorithm of the value system for the COMPETITIVE ENVIRONMENT. The reward value attributed to the successful POSSESSION is divided among PLAYERS that were reported as contributors to the success of the POSSESSION.
- e) The Publishing Mechanism 900 aggregates POSSESSION reports to create CONTEST reports showing PLAYERS' contributions to team achievement for the entire CONTEST. These results are formatted and published via website,

interactive TV, wireless device, electronic scoreboard, newspapers or other media of mass distribution. The inputs to Step 5 are ASPECT instance reports. The output from Step 5 is a CONTEST report."

Support for Step 6 - Reporter Performance Feedback, of FIG: 13:

(Conclusion of original specification, P.33)

"The use of a game metaphor adds entertainment value. It motivates the REPORTER to strive for judgement and measurement accuracy. The REPORTER receives feedback of his measurement compliance, enabling him to improve his insight and understanding of winning behavior. His expanding expertise is measured by a series of SKILL LEVELs."

(First Preferred Embodiment of original specification, P. 29)

"The accuracy of the information produced by fan reporters is a key factor in the effectiveness of this embodiment of the present invention. The Quality Feedback System shown in FIG. 11, checks the level of compliance of a fan's reports and sends him an email report card after a game to explain how the ASPECT data in his reports compared to other REPORTERs' submissions covering the same ASPECT of that game. The email message shows the fan REPORTER how many of his POSSESSION reports had "expected" data values and how many had "unexpected" data values. It also contains a link to the ASPECT Measurement Rules, which he can study to help him achieve or maintain compliance on his future reports. As his expertise in implementing the value

system expands, the fan REPORTER progresses through a series of game SKILL LEVELs. Fans are recognized as skilled in reporting a specific ASPECT when they achieve a prescribed total of "expected" ASPECT reports in a game. A fan REPORTER that achieves this SKILL LEVEL for a single ASPECT is motivated to gain skill in other ASPECTs until proficiency is attained in all ASPECTs of reporting. An example of ranking levels is Gold for proficiency in four ASPECTs, Silver for proficiency in three ASPECTs and Bronze for two ASPECTs. Special privileges can be awarded based on these rankings."

(Re-enforcement learning, original specification, P. 11)

As the REPORTER's expertise in implementing the value system improves, he advances through a series of game SKILL LEVELs. SKILL LEVELs are attained by achieving a high level of measurement accuracy. Since accuracy is a subjective interpretation of the reporting rules, the assumption is made that plural informed REPORTERs will tend to make similar subjective judgements. Another assumption is that REPORTERs will become more informed and skilled with practice. Therefore report accuracy is defined as conformance to the norm. The subset of Normal reports for an ASPECT instance have the most frequently occurring ERROR CORRECTION CODE value in the set of ASPECT instance reports under consideration (see FIG. 5). A chat facility is provided for REPORTERs to collaborate in their interpretation and refinement of the reporting rules that REPORTERs must follow."

(Step 8 of System Operation, original specification, P. 23)

"When a REPORTER signed-up to report a CONTEST in Step 3, the Sign-up Mechanism passed his reporterID to the Chat Mechanism and the REPORTER became authorized to enter the Chat Room for that CONTEST. As a result, the REPORTER can converse with other REPORTERs covering that CONTEST during and after the CONTEST. The Chat facility enables the REPORTERs to learn, develop group consensus and formulate recommendations for improvements to the reporting rules for the COMPETITIVE ENVIRONMENT."

Preamble to new Claim 26 - All elements are supported by reference from the original specification

Operable terms in preamble...plurality of reporters, collectively self-organizing, identifying, judging and recording appear in new FIG 13. Therefore the remarks for FIG. 13 also illustrates that the preamble is particularly pointed out in the original specification. The following defense focuses on the clauses a) through e) in claim 26.

a) guiding REPORTERs on how to integrate their information gathering activities to achieve the goal of providing complete coverage for a CONTEST by signup commitment means;

(System Operation in original specification, P.19)

"Step 3:

The REPORTER chooses a particular CONTEST from a list, and then chooses an ASPECT to report. A matrix showing the number of REPORTERs who have already made commitments to report on specific ASPECTs of his chosen CONTEST guides his choice. REPORTERs are motivated to choose the ASPECT with

the lowest committed coverage in order to insure complete coverage of the CONTEST. By adding ASPECT instance reports to the pool of CONTEST information submitted by all REPORTERS, a REPORTER qualifies to receive analyses derived from the pool of information submitted by all REPORTERS. This gives the REPORTER expanded insight to causality for the team achievement that he would not have gained as a single observer. Inputs to Step 3 are CONTEST, ASPECT and Team. Output for Step 3 is a Java Server Page data entry form for reporting the ASPECT specified in the input."

(Second Preferred Embodiment in original specification, P.31)

"The Selling Team can be self-managing. The protracted time duration of the sales process allows the reporting function to be performed by the member of the Selling Team who performed the valued action contributing to the sale. Initially, only his report will be processed for each ASPECT instance of a CONTEST. However, any member of the team could submit a challenging ASPECT report. In this case a different filtering process is employed to select the representative ASPECT report. A peer review process is used by team-members to choose the representative report from contending reports. This self-managing feature insures that the rules of the reward system govern with no personal bias."

b) creating a common perspective among the plurality of REPORTERS by team-member interaction protocol means to guide reporters' collective discovery of valued team-member interactions;

Same arguments as Step 2 in FIG. 13 above.

c) creating among plural REPORTERs, consistent measuring and valuing of team-members' contributions, by team goal achievement value system means;

(Summary of original specification, P.6)

"6. Process flow abstraction called REPORTER that represents an interested CONTEST observer engaged in identifying, gathering and submitting data measurements concerning team-member actions and collaborations that contribute to team achievement."

(Preferred Embodiment Operation in original specification, P. 27)

"According to the value/reward system being employed in this embodiment, relevant ASPECTs including acquiring control of the Basketball, creating a scoring opportunity, shooting to score points and the game-clock time that PLAYERs enter and leave the game. Actions are only valued if they result in points being scored in a POSSESSION. A fan must identify a potentially valued action and continue to follow the play to see if the action is part of a successful sequence resulting in points scored. If points are scored, the potentially valued action becomes a valued action and the fan submits his ASPECT instance report for this POSSESSION."

(See Support for Step 3 - Information Valuing, for FIG. 13 above)

- d) recording plural reports and selecting a representative aspect report from each set of redundant reports; and
- e) aggregating said representative reports to create composite reports, storing and retrieving them from a database;

(System Operation of original specification, P.20)

"Step 5:

One representative ASPECT measurement is selected to represent each ASPECT instance of the CONTEST for a team. Only those representative ASPECT measurements are processed through the scoring algorithm. An ERROR CORRECTION CODE is used as a measure to compare values of ASPECT measurements in the selection of the representative ASPECT report. One method for computing the representative ASPECT measurement is to group all ASPECT measurements by ERROR CORRECTION CODE value, for each ASPECT instance of a CONTEST. Then select an ASPECT report with the most frequently occurring ERROR CORRECTION CODE value as the representative measurement of this set. The Report Management Process has 5 steps as shown in FIG.10:

On a periodic basis, the Parser Mechanism 500 will check for the arrival of new ASPECT reports submitted by REPORTERS. It parses each of these report data strings into ASPECT data elements, inserts the data elements into fields in a report object and stores the report object in the database. This process is repeated until all reports in the arrival queue have been parsed. This process is repeated on a periodic basis. A filtering process is employed to reduce data processing and protect data integrity. On a periodic basis, the Filtering Mechanism

600 will select a representative report for each ASPECT instance for a team in an ongoing CONTEST. The Assembly Mechanism 700 consolidates data from these representative reports to populate the POSSESSION report entity with ASPECT measurements and then stores the POSSESSION report in the database.

The Scoring Mechanism 800 scores all POSSESSION reports by distributing the reward value assigned to the team achievement for that POSSESSION according to the scoring algorithm of the value system for the COMPETITIVE ENVIRONMENT. The reward value attributed to the successful POSSESSION is divided among PLAYERS that were reported as contributors to the success of the POSSESSION.

f) The Publishing Mechanism 900 aggregates POSSESSION reports to create CONTEST reports showing PLAYERS' contributions to team achievement for the entire CONTEST. These results are formatted and published via website, interactive TV, wireless device, electronic scoreboard, newspapers or other media of mass distribution. The inputs to Step 5 are ASPECT instance reports. The output from Step 5 is a CONTEST report."

Claim 27 is identical to Claim 26 except for the addition of the operative term "self-training" in the preamble and f), g) and h) whose arguments are presented below:

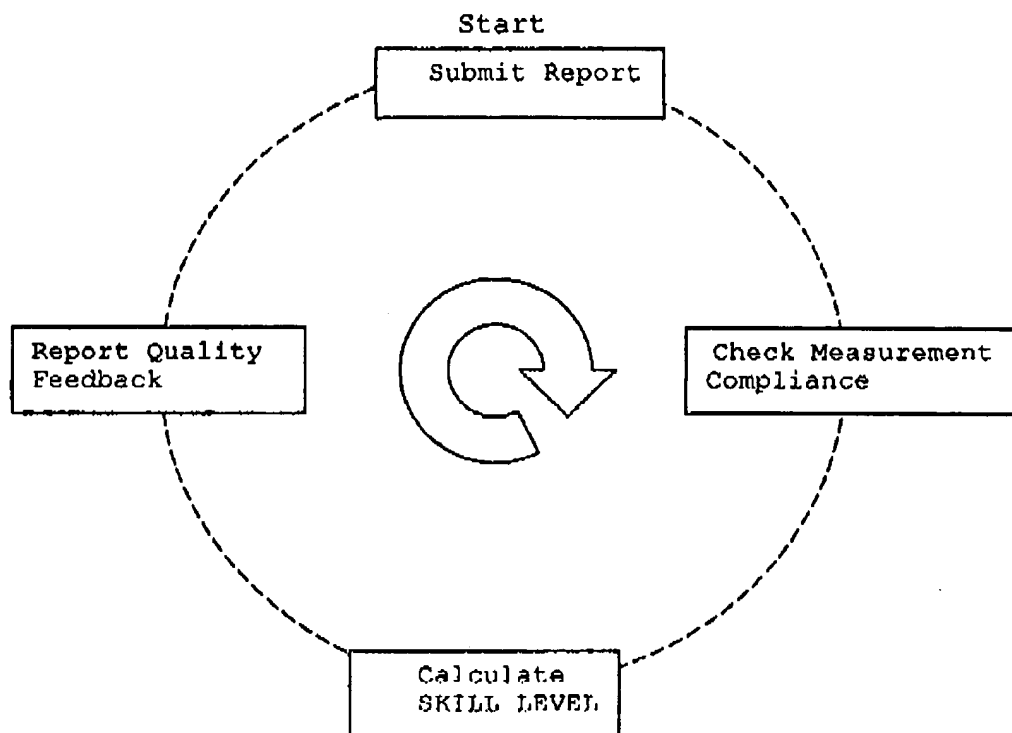
f) refining reporting skills by re-enforcement learning means (FIG. 1) by apprising REPORTER of his reporting accuracy in relation to a standard by report quality feedback means;

(Quality Feedback Means is shown in FIG. 1)

FIG. 1

REPORTER Learning Process

1 of 12



g) establishing a REPORTER's reputati n for r porting by proficiency skill l vel means; and

(First Preferred Embodiment of original specification, P. 30)

"As his expertise in implementing the value system expands, the fan REPORTER progresses through a series of game SKILL LEVELs. Fans are recognized as skilled in reporting a specific ASPECT when they achieve a prescribed total of "expected" ASPECT reports in a game. A fan REPORTER that achieves this SKILL LEVEL for a single ASPECT is motivated to gain skill in other ASPECTs until proficiency is attained in all ASPECTs of reporting. An example of ranking levels is Gold for proficiency in four ASPECTs, Silver for proficiency in three ASPECTs and Bronze for two ASPECTs. Special privileges can be awarded based on these rankings. "

h) sharing REPORTERs' knowledge and observations by collaboration means.

(First Preferred Embodiment of original specification, P. 30)

"When a fan signs up to report a game, he can be authorized to enter the Chat Room for that game. This enables the fan REPORTER to converse with other fans reporting that CONTEST. The Chat facility enables fans to learn, share their questions and opinions, develop consensus and formulate group recommendations. Fans who discover refinements to the value/reward system can recommend their adoption into the team-member performance measurement method being employed."

D. REMARKS below long with new substitute independent Claim 26 and/or new substitute independent Claim 27 overcome the objections cited in the prior Office Action.

The Rejection of Claims 1-10 under 35 U.S.C. §103(a)

As being unpatentable over Birch et al. (6,292,706) in view of one of ordinary skill in the art.

The applicant requests reconsideration of re-written claims 26 and 27 and withdrawal of this objection, on the basis of the following assertions:

Campaigne has a different mode of operation than Birch
Birch teaches a method for reporting player activity, however, it is not part of the game metaphor as in Campaigne. Birch's Scouts enter data into a database as a background maintenance function. Birch's preferred embodiment is the game of baseball which does not anticipate the characteristics which are embodied in Campaigne, i.e., complex action with an accelerated pace or protracted pace that makes it difficult for a REPORTER to gain more than a superficial understanding of the causality for team achievement while observing the CONTEST. Birch's Scouts are under centralized control for training and organization. Campaigne distinguishes over Birch by anticipating large numbers of untrained REPORTERS who will self-organize and self-train by playing Campaigne's game. Campaigne also distinguishes over Birch by relying on redundant reports by self-motivated reporters. Birch's Scouts need an external incentive which makes Birch treat his Scouts as a scarce commodity to be conserved because of incurred training, management and compensation expenses.

Campaigne Produces New and Unexpected Results

Prior art research declares, "Social Structures that take advantage of our inherent, self-organizing social dynamics will be best enabled to cope with our increasingly complex world."¹. Campaigne harnesses this useful self-organizing social dynamic (Claim 26a) to provide new and unexpected results. Campaigne enables anyone to join a community of interested reporters and begin to identify and report the critical few team-member actions and collaborations that are causal to winning a contest. Campaigne's REPORTERS learn to be better reporters by learning the underlying factors that contribute to winning; how teams achieve a goal while having only partial understanding of how to do so; and also how to cooperate within their own self-organized group of REPORTERS. Campaigne distinguishes over Birch by these unexpected results and extending these unexpected results to situations that are complex in nature and where the accelerated or protracted pace of activity of team competitions made these results unattainable before Campaigne. In addition, Campaigne produces the unexpected result where Campaigne's reporters work essentially for free, because their only compensation is "skill reputation" and they organize and train themselves. Birch does not anticipate that the game metaphor and desire for the collective reports can create self-motivated reporters

¹ Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.404.

willing to self-organize and self-train and thereby provide the centralized benefit of reduced operating costs.

In addition, Campaigne achieves the unexpected result of indirectly integrating the REPORTER into the CONTEST being reported via Campaigne's means for providing immediate feedback to PLAYERS. Through Campaigne's self-managing feature REPORTERS also learn to cooperate with fellow REPORTERS. If they don't cooperate to collectively provide complete coverage, they learn that the reporting results will be incomplete and all REPORTERS will suffer the loss of total information which they seek.

Campaigne's innovative design allows for mass use over the internet. An unexpected result is the large number of people who, by Campaigne are becoming enlightened with greater understanding of how they can solve complex problems as team members.

Campaigne Solves Unrecognized Problem

Before Campaigne, the complex nature and the accelerated or protracted pace of activity of many team competitions made it impractical for one or more reporters to identify the critical few team-member actions and collaborations that are causal to winning the contest. Consequently, reporting was subjective and inconsistent and the critical few team-member actions and collaborations that are causal to winning were not identified. One skilled in the art at the time of Birch's filing did not anticipate this problem. The problem was first recognized in prior art in the field of advanced research at Los Alamos National Laboratory after Birch's filing date:

"We have argued that a dynamic process underlies all life: the ability of self-organizing systems to 'solve' essential problems, will take on new functionality as our society increasingly utilizes the Net for human interaction."p.407²

"Furthermore, in the same manner as to how society self-organized to solve problems of survival, the same processes on the Net will result in self-organization of knowledge. Because self-organizing knowledge arises from diverse contributions and can encompass knowledge greater than the contribution of any individual, there is the arguable potential of creating knowledge that will contribute to solutions that are not understandable within our current processes."p.405³

To solve these problems, Campaigne includes a TEAM-MEMBER INTERACTION PROTOCOL (claim 26b) for the collective discovery of valued action sequences by plural reporters in a complex, fast-paced environment, and measuring and valuing system (claim 26c) to identify the critical few actions and collaborations. These novel features along with Campaigne's Signup Commitment feature, enable Campaigne's plural reporters to integrate their activity to simulate one omniscient information gatherer.

Campaigne Creates Unappreciated Advantage

Campaigne creates the possibility for large numbers of humans (REPORTERS) to self-organize on the internet to

² Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.407.

³ Ibid p. 405.

learn how to identify the critical few team-member actions that contribute to achieving a team goal. This achieves the unappreciated advantage of creating awareness in REPORTERS of how they can use this knowledge to be more effective team-members, themselves. Advanced research has found, "Self-organizing social dynamics has been an unappreciated positive force in our social development and has been significantly extended, as least in scope, by new technologies."p.404⁴

Although reliance by humans on group effort predates recorded history, high performance team effort is a rare occurrence. This is because as the literature states, "Individuality and self-preservation remain the rule, shared responsibility based on trusting others is the exception. A reluctance to take a risk and submit one's fate to the performance of a team, therefore, is almost inbred"⁵. The theme of teamwork emerges as, a) the teamwork of PLAYERS is measured, and in the process, REPORTERS learn how to identify and value teamwork, b) PLAYERS use the reported results to improve their own teamwork, c) REPORTERS cooperate to achieve complete ASPECT coverage of a CONTEST, d) REPORTERS collaborate with each other to learn effective reporting techniques and participate in refining the ASPECT Reporting Rules.

Prior Art Lacks Suggestion of Modification

Birch's "Scouts" are not central to its invention because they are not participants in the game. They are relegated to a background data entry role that is vaguely described.

⁴ Ibid p. 404.

⁵ The Wisdom of Teams; creating the high-performance organization; Jon R. Katzenbach, Douglas K. Smith; Harvard Business School Press, 1993 Boston, MA.

Since their organization and training is not described one can conclude that centralized training and centralized organizational control of the Scouts is anticipated by Birch. Birch does not suggest that Scouts could be comprised by a large number of inexperienced observers. Consequently, Campaigne distinguishes over Birch by its decentralized training and decentralized organization of its reporters which are not anticipated by Birch. "One skilled in the art" at the time of Birch would not have discerned that the benefits of self-organization or self-training out weighs the potential cost burden of preventing reporting errors or lapses in complete reporting coverage which are anticipated and compensated for in Campaigne. At the time of Birch's filing, only those skilled in the very different art of Symbiotic Intelligence research in the field of Artificial Intelligence were aware of this insight as the prior reference from the Proceedings of the International Conference on Artificial Intelligence illustrates. Campaigne provides a method for guiding first time reporters on how to integrate their reporting activities to achieve the goal of self-organizing to collectively provide complete and consistent reporting coverage for a contest, when given only partial understanding of how they can achieve said goal. Campaigne includes re-enforcement learning for self-training of inexperienced reporters on reporting skills and a means to guide self-organization to collectively provide complete reporting coverage for a contest. Birch lacks any suggestion that it should be modified to meet Campaigne's claims.

Success of hardwoodthunder

hardwoodthunder.org has been introduced as the first implementation of this system and method. Exhibit 1 shows the home page and an explanation of how to play the game. The following quote indicates the novelty and unobviousness (at the time of Birch) of Campaigne as evidenced by the television market need, "If the networks want that mass audience, they're going to have to bring an interactive element into the experience or they're just going to have smaller and aging audiences. Sports is a good place to start experimenting with realtime re-purposing of TV programming, Mr. Zey adds. Sporting events [are] one of the few things left that people need to experience in real time..."⁶

The applicant requests consideration of this claim in light of the following court findings:

Must Suggest Desirability to Constitute Anticipation

It is well known that in order for any prior-art references themselves to be validly combined for use in a prior-art & 103 rejection, the references themselves (or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

⁶ The Christian Science Monitor, "Missing: TV's male audience", p. 19 Friday November 7, 2003

Examiner Must Provide Evidence of Obviousness

In line with these decisions, recently the Board stated in Ex parte Levengood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art would have been led to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention--That which is within the capabilities of one skilled in the art is not synonymous with obviousness--That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention--Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.'--Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

Th applicant requ sts reconsideration of Claim 26 and withdrawal of the objection of obviousness, on the basis that the new claim defines novel structure that produces new and unexpected results, and would not have been obvious to a person of ordinary skill in the art at the time Birch's invention was made. Applicant submits that such claim is clearly patentable.

Therefore it is submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, Applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

Conditional Request for Constructive Assistance

Applicant has amended the title, abstract and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P & 2173.02 and & 707,07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Exhibit 1

hardwood thunder

Reality Basketball

● Cont:

Home

Training

Sign up

Report

Results

Aspects

Example

To Report:

[Signup](#)
[Observe](#)
[Team](#)
[Results](#)
[Aspects](#)
[Example](#)
[Rules](#)
[Scoring](#)
[Performance](#)
[Learning](#)

Welcome to Reality Basketball!**Become a Reporter**

First you must become a Reporter. Reporting is easy! You report to us which team members participated in a scoring possession and our patented scoring engine will divide the points scored among the participating team-members. Here's how it works.

Signup to Report

Pick a team and a game to report. Then signup to report one of the four Critical Aspects of the game (reporting more than one will be too distracting). You will need Internet access to enter your reports. Use your computer, your Internet-enabled cell phone or your Inter-active TV remote control to enter reports while you watch the game.

Report your Observations

Each time your team scores points, enter the Jersey numbers of no more than two players who acted or collaborated in the particular aspect you are reporting; along with the number of points scored during that possession, and the team's cumulative score. Don't worry, if you submit a report containing incorrect data, just re-submit the report with the correct data within thirty seconds and we will replace your first report with your second one.

Reporters are a Team too!

You are also a member of a team...the team of reporters who have signed up to report this game. Your report will be combined with reports for other Aspects to create a composite record of the scoring possession. This team of reporters will continue to report on each succeeding scoring possession. When you report the last scoring possession for your team that ends the game, indicate that it is the final possession so that our scoring engine can publish the final results.

View the Composite Results

Each reporter can access the [hardwoodthunder.com](http://www.hardwoodthunder.com) website and see the REAL contribution each team member is making to team productivity, and which players are collaborating together productively. You can even do this while the game is in progress. You will see patterns and trends even before the players and coaches.

Just Four Aspects to Report

Our scientific search has determined that only four Aspects are strongly related to winning. We need to

Begin Here

Could your business benefit from more effective sales teams? Try The Sales Game

®.

<http://www.hardwoodthunder.org/ReportingSystem/index.html>

4/22/2004

report the following activities that I ad directly to scoring points:

- 1) gaining control of th ball,
- 2) creating a scoring pp rtunity,
- 3) testing to score points (i.e. shooting field goals and foul shots),
- 4) minutes played per player.

Here's an Example

Player A rebounds the ball and passes it to Player B who penetrates the defense and creates an uncontested scoring opportunity for Player C who misses the shot. The missed shot is rebounded by Player D on the same team who shoots and scores two ponts.

Only Two Rules

- 1) Only reward success...don't report a possession unless it results in points being scored.
- 2) A single player can get credit for more than one aspect.

Players A, B and C get no credit for their hard work. That's life! The rebound of the missed shot starts a second possession, Player D gets all the credit for acquiring the ball, creating the scoring opportunity and testing to score points.

We'll Score Your Data

While you are watching the game, enter your data using your home computer, your Internet-enabled cell phone or your Inter-active TV remote control. Our patent pending scoring system will receive your data and divide team points among the players using our patent pending, scientifically proven process. The team's total points are divided among players, indicating each player's share of the team's winning effort.

See How You Did

After the game you can visit our website and see how you did. Your reporting proficiency is determined by your correct report percentage. You start as a ROOKIE and work your way through BRONZE to SILVER to GOLD Reporter. This enables you to refine your reporting skills and knowledge of winning team behavior.

What You'll Learn

You will learn:

- 1) the relative contribution to winning contributed by rebounders, playmakers and shooters,
- 2) which players work together productively,
- 3) the importance of ball control, creation of scoring opportunities, shooting accuracy and playing time per player,
- 4) the importance of team-member collaboration in offence and defense.

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<http://www.hardwoodthunder.org/ReportingSystem/index.html>

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